



Waukesha County
Criminal Justice Collaborating Council
Evidence-Based Decision Making Phase V Policy Team
Tuesday, May 17, 2016

Team Members Present:

Hon. Jennifer Dorow, Presiding Judge & Policy Team Chair
County Board Chair Paul Decker
State Public Defender Regional Attorney Manager Sam Benedict
DOC Community Corrections Field Supervisor Marla Bell
Menomonee Falls Police Chief Anna Ruzinski
Sheriff Eric Severson
Town of Brookfield Municipal Judge JoAnn Eiring
County Executive Paul Farrow

CJCC Coordinator Rebecca Luczaj
WCS Administrator Sara Carpenter
HHS Director Antwayne Robertson
Clerk of Circuit Court Kathy Madden
District Court Administrator Michael Neimon
Captain Dan Baumann
District Attorney Sue Oppen

Team Members Absent:

Victim Witness Coordinator Jen Dunn

DOC Regional Chief Sally Tess

Others Present:

State Special Projects Coordinator Tommy Gubbin
Janelle McClain

NIC Consultant Mimi Carter

Welcome

Chair Dorow called the meeting to order at 12:08 p.m.

Review Meeting Goals and Agenda

Carter reviewed the goals of this meeting:

- Review Progress of Workgroups on Logic Models and Action Plans
- Begin Development of Scorecard
- Discuss Next Steps

Approve Minutes

Motion: Madden moved, Ruzinski second, to approve the minutes of April 13, 2016. Motion carried unanimously.

Review/Discuss EBDM Phase VI Application Kit

Luczaj had e-mailed the application kit prior to the meeting.

Carter informed the committee that the application will require a cover letter and a response to questions regarding team collaboration. While Phase 2 and Phase 3 sites are invited to join in Phase 6, Waukesha County is not in "competition" with those sites. The kit asks for letters from stakeholders from our team, but does not offer further direction, such as if the person has to be on the team or not. The application asks for bulleted points verses paragraphs. There is also a submission requirement for Phase 5 accomplishments.

The bulk of the application is what is being done in the workgroups. Each workgroup will submit a logic model and work plan, which will be combined into 1 document and submitted as part of the application. Also being submitted is the scorecard and a communications strategy.

There will be a 1½-day long team-based workshop in Wisconsin Rapids in June. The EBDM state team has concluded that it is desirable to bring the teams together to discuss their work, as well as focus the content on topics common to all of the groups. All of the Wisconsin teams are working on Pretrial and a Communications Strategy. There will also be time allotted to work with teams. Carter suggests holding off on the communications strategy until the workshop.

Carter advised that, as a committee, the application questions should be reviewed at the June meeting, since teams are encouraged to submit the application as a team versus a single person doing the work.

Carter re-emphasized her role in the application process. She can review the work models as they are being drafted. While she cannot lead/offer information, she can let the group know where there are areas that could be elaborated on or improved upon.

The application deadline is July 29th.

Discuss Feedback from Webinars

Decker commented that the webinars helped to focus in on what is needed.

Luczaj stated that there was a question in the court processing webinar asking at what point is it just not worth getting the data? A lot of time can be spent trying to gather the data. It was helpful to hear the feedback and that it was a valid concern. Sometimes, it is best to start from today and move forward with the data collection if it will be too cumbersome to gather historical data. Decker added that it is also about the return on investment.

The webinars are archived for a limited number of days.

Workgroup Updates

Case Processing Workgroup

Oppert reported that, now 3-4 weeks into the pilot program, issues appear to have plateaued and things are running smoother. If a defendant is determined by a preliminary inquiry to be eligible for a public defender, they are sent over to the Public Defender's Office on Monday at the 8am hearing. A majority of people have been qualifying, and then they come back for the 10am hearing. On those cases, a couple of weeks has been saved. Another benefit is that the judges are not having to send the defendants to the Public Defender's Office at a later time, which further delays the case.

A notice, giving the defendant information regarding securing an attorney ahead of time, is being created that will be mailed with the court summons and complaint.

Now that the pilot program has started, the workgroup is moving their focus to establishing pretrial conferences to help move things along quicker. Judge Ramirez, who is part of the workgroup, will likely pilot it in his courtroom, and then it will hopefully move onto the other judges as well. Neimon stated that efficiency is not in the bar's best interest, but he is hopeful that as attorneys see the process is working, they will get more on board.

In the preliminary stages, the workgroup is also looking at the 180 diversion program for juveniles aged 21 and under. They are looking to have a similar program to serve adults that are first time offenders. Available resources still need to be explored, and a lot of work will need to be done.

Pretrial Workgroup

Dorow reported that the upcoming loss of funding from the state for the Intoxicated Driver Intervention Program (IDIP) is what prompted the change to the program.

The workgroup agreed that the WCS risk tool, developed with WisDOT funding several years ago, would be the best option to determine risk level of pretrial OWI defendants. July 1 is the target date to have repeat drunk drivers go through the WCS assessment. If the defendant ranks low risk, they will have minimal supervision requirements. Time between offenses is not a factor in the tool, as it is not predictive of risk to reoffend or failure to appear.

WCS has a computer program that randomizes drug testing, which is a urine screen that tests for 8 different drugs. The drug testing is for those being charged with drugged driving. If a low risk defendant misses their Remote Breath test (i.e. sleeping or they are in a work meeting that they cannot get out of), they can contact WCS right away, who will issue an on-demand test. As long as it has not happened 2 consecutive times, they will still be considered compliant. If there is a 3rd miss or on-demand test, the judge will be notified, and the recommendation is that the 30 days is started over again. Dorow stated that even though this is a recommendation, if the judge wants something different, they will have to handle it.

This revised plan for the low-risk offenders is based on the feedback from Carter at the last Policy Team meeting. Supervision on Remote Breath has been reduced to 30 days from 60 days. Dorow commented that the hope is that it will free up resources to work on the mid- and high risk offenders.

Carpenter will be drafting a policy to document the protocol.

Mental Health Workgroup

Ruzinski reported that all logic models have been completed, and by the next meeting, the work plans will be ready.

A goal of the workgroup is to reduce the number of emergency detentions (EDs) in the county. They also hope to be able to measure how many of the current EDs are valid (i.e. resulted in inpatient admission).

The workgroup hopes that, by implementing mobile crisis assessment, there will be fewer EDs because people can be set up with safety plans, or the team member can get the person to voluntarily admit themselves for help. The goal is to stop mentally ill individuals from being brought into the criminal justice system.

The DOC has provided information on those being released between June and December, 2016. Those released that have mental health issues will be tracked to see if there is something that can be put in place prior to release to prevent them from re-entering the system.

The workgroup is continuing to explore potential models and locations for a respite house, preferably near Health and Human Services.

There was a legislative meeting with some of the police chiefs in the state, and Ruzinski had discussed Act 55, regarding mandated mobile crisis assessment. Ruzinski is now working with Senator Alberta Darling's office regarding the complications of this statute. While it is understood why mobile crisis has to be implemented, the July 1st deadline is proving to be difficult. They are hoping to delay the deadline until everything can be worked out.

Victim Issues Workgroup

Bell reported that the workgroup has started working on outcome 7 of the restitution issue, improving communication strategies and discussing how to improve collection.

The Restitution Bill is effective July 1. DOC is developing policies on how to handle the changes. The workgroup has talked about how to make sure that payments are going to restitution first, verses fines. There is an active discussion regarding having the DOR collect restitution. Currently, there are laws on the books that require restitution to be paid first; however, there are ways around that, such as paying via CCAP, or based on the judge's orders.

The workgroup is also discussing victim participation in the court process. They have talked about having judges attempt to hear cases where there are victims present, before hearing those cases without victims present in court. There are complications, however, as often times victims do not want to be identified.

Dunn is writing a grant to hire a restitution specialist.

Issues That Are Barriers for the State to Address

Gubbin reported that he needs clarification on a few items that were referred to the state team to address.

The state team said that if there was a state form that needed to be modified, provided someone would make the recommended changes on the form, they will take it up the chain of command for consideration.

Carter reported that, for the most part, Gubbin's list of local issues for the state team to address is being assigned to state workgroups and most of it is already being addressed.

Begin Developing the Waukesha EBDM Scorecard

A summary of survey responses from the committee members was distributed. The goal is to get the scorecard items down from 59 items to one page (or about 5 items).

The scorecard is a collaborative activity that is essentially a report card we develop that reflects the criminal justice system in our county. It should be a means to an end, describing, briefly, what the measurements are. This is not a common activity within the criminal justice system because various areas (police, judges, probation) use different measurements. The scorecard will guide the CJCC, define where we are and where we are going, so it should be very broad, and then elaborated on in the matrix below.

The committee discussed how to narrow down the results of committee survey results.

#1: A more effective and efficient criminal justice system.

Effectiveness: a. Reduce recidivism / Improve outcomes of justice-involved individuals.
b. Reduce harm to victims / Increase safety of Waukesha citizens / Enhance public safety

Efficiency: c. Effective use of public resources / Effective resource allocation

Impact:

1. Reduce harm to victims
2. Improve outcomes among justice-involved individuals

Madden commented that “reducing the cost of the justice system” is automatically an outcome, not the reason we are doing what we are doing. The goal of the committee is to improve the system.

ACTION: Decker will review the feedback from the group and draft Waukesha County’s scorecard before the next meeting for the group to review.

Review List of Accomplishments

Luczaj distributed the current list of EBDM Accomplishments. The committee reviewed the list and offered feedback/additions.

Next Steps

A Policy Team meeting was added on September 13, 2016, from 12 – 3 p.m.

The next meeting is June 14, 2016, from 12 – 4 p.m.

The meeting adjourned at 3:00 p.m.